

Amendment in Reply to Office Action mailed on February 22, 2008

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated February 22, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-6, 9-13, 15-16, and 18-21 are pending in the Application. Claim 21 is added by this amendment. By means of the present amendment, claims 1-3, 5-6, and 9-13 are amended including for better conformance to U.S. practice, such as amended dependent claims to begin with "The" as opposed to "A". By these amendments, claims 1-3, 5-6, and 9-13 are not amended to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Office Action, claim 13 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over PCT/US01/28491 to Chmaytelli ("Chmaytelli"). Claims 1-3, 5-6, 10, and 12 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Chmaytelli in view of U.S. Patent No. 5,278,539 to Lauterbach ("Lauterbach"). Claims 4 and 15-20 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Chmaytelli in view of U.S. Patent No. 6,519,479

to Garudadri ("Garudadri"). Claims 9 and 11 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Chmaytelli in view of Lauterbach in view of Garudadri. It is respectfully submitted that claims 1-6, 9-13, 15-16, and 18-21 are allowable over Chmaytelli alone or in view of any combination of Lauterbach and Garudadri for at least the following reasons.

Chmaytelli discloses a method of originating voice mail messages using a portable telephone such as a wireless telephone (see, title; and paragraph 1003, lines 3-6 and 10-12). The messages are stored on the telephone and transmitted at an appropriate time to a recipient (see, paragraph [1003], lines 10-12; paragraph [1008], lines 1-2; and paragraph [1010], lines 1-3). While it is conceded that Chmaytelli teaches storing the messages in a memory, only a single memory is taught or disclosed (see, paragraph 1014, line 2 and FIG. 2 (212)). Accordingly, Chmaytelli does not disclose or suggest first and second memories as recited in the claims of the present application. Further, Chmaytelli does not disclose or suggest "wherein the message entry is stored in a first memory, and the time entry specifying, the at least one of the date and the time, the address entry, specifying the

communication address, and a relation between the time entry, the address entry, and the message entry, are stored in a second memory," as recited in claim 13 and similarly recited in claims 1 and 4. Lauterbach and Garudadri are cited for allegedly showing other elements of the claims and as such, do not cure the deficiencies of Chmaytelli.


Based on the foregoing, Applicants respectfully submit that independent claims 1, 4, and 13 are patentable over Chmaytelli in view of Lauterbach and Garudadri, either alone or in combination thereof, and a notice to this effect is earnestly solicited. Claims 2-3, 5-6, 9-12, 15-16, and 18-21 respectively depend from one of claims 1, 4, and 13, and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the

presented remarks. However, Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded. And in particular, no Official Notices are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398.  
Attorney for Applicant(s)  
May 20, 2008

**THORNE & HALAJIAN, LLP**  
Applied Technology Center  
111 West Main Street  
Bay Shore, NY 11706  
Tel: (631) 665-5139  
Fax: (631) 665-5101